

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL RAPAPORT and MICHAEL	:	
DAVID PRODUCTIONS, INC.,	:	
	:	
Plaintiffs,	:	
	:	
-against-	:	Case No. 1:18-CV-08783
	:	
BARSTOOL SPORTS, INC., ADAM SMITH,	:	
KEVIN CLANCY, ERIC NATHAN and	:	DECLARATION OF DANIEL DURBIN
DAVID PORTNOY,	:	
	:	
Defendants.	:	
	:	
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BARSTOOL SPORTS, INC.,	:	
	:	
Counterclaimant,	:	
	:	
-against-	:	
	:	
MICHAEL RAPAPORT and MICHAEL	:	
DAVID PRODUCTIONS, INC.,	:	
	:	
Cross-Defendants.	:	
	:	
-----	X	

DECLARATION OF DANIEL DURBIN

Pursuant to 28 U.S.C. § 1746, I, Daniel Durbin, hereby declare as follows:

1. I am over the age of 18 and not a party to this action. I have personal knowledge of the facts set forth herein, which are known by me to be true and correct, and if called as a witness, I could and would competently testify thereto.
2. I declare under penalty of perjury that the foregoing is true and correct.
3. I am the founder and director of the USC Institute of Sports, Media and Society. This institute carries on scholarly research on the intersection of sports and society through the mediated

narratives that make up sport. I have been director and lead scholar of the institute since 2010. I have also been the lead scholar on the African-American Experience in Major League Baseball research program, an oral histories project recording and preserving the stories of the African-American Major League Baseball players who entered the league in the 25 years after Jackie Robinson and Larry Doby broke baseball's color line. (Attachment 1, Page 3)

4. I have taught and written about various aspects of communication and American media for over 35 years. I continue to teach undergraduate and graduate classes on the impact of sports on culture, media and marketing in the United States. (Attachment 1, Page 3)

5. I have appeared as an expert on sports and media in hundreds of articles and news programs. These include the NBC Nightly News, the CBS Evening News, NPR, The New York Times, The Los Angeles Times, Time, Newsweek, U.S. News & World Report, NBC News Conference, CNN, KCBS-Radio, KTLA Morning News, the Hearst News Syndicate, and many more. I have also appeared as an expert in numerous documentaries including the award winning Olympic Pride, American Prejudice. Further, I have published and presented research in many scholarly publications and conferences as well as in popular settings such as the Baseball Hall of Fame. (Attachment 1, Page 3)

6. I was retained by Plaintiffs' counsel to provide expert testimony regarding three aspects of the Rapaport v. Barstool Sports lawsuit: 1) the type of sports discourse Barstool engages in and their reasons for hiring Rapaport, 2) the claims of defamatory content and malicious intent made against Defendants, including how the audience would be expected to understand the statements, and 3) the manner in which that content might be expected to harm Rapaport's reputation and career as a pundit on sports media. (Attachment 1, Page 4)

7. The Expert Report ("Report") that I provided to Plaintiffs' counsel, as well as my Curriculum Vitae, is attached to this Declaration as Attachment 1.

Barstool' Brand

8. I opined extensively throughout my report about Barstool's brand and its interactions with its fans.

9. The content on Barstool follows a line of sports media content pioneered, to a great degree, by Jim Rome in the 1990s. Rome named his fans “Clones,” indicating their reliance on him for their ideas and comments on sports. Barstool’s devotion to Rome’s model can be seen throughout their media, even in their choice of language. (Attachment 1, Page 10)

10. Rome popularized the term “take” to refer to a sports comment. Barstool uses the term persistently, to the point that one of their most persistent publications is titled “Pardon My Take.” To an almost comic degree, Rome promoted the hypermasculinity often presumed to be a fundamental part of American sports. Making fun of his own audience members, the rest of the media and athletes, Rome became most famous for lobbing insults at far more famous celebrities and athletes (he gained his greatest fame for repeatedly questioning the masculinity of Los Angeles Rams starting quarterback Jim Everett, which had a negative impact on Mr. Everett’s public image). (Attachment 1, Page 10)

11. Barstool Sports has expanded this brand of sports talk into an online transmedia conglomerate taking in blogs, video content, pictures and social media platforms. While it “covers” sports, across content platforms, its coverage relies heavily on insults (at times for humor but often to condemn or denigrate the insulted person, often to “demonstrate” that they are wrong in their sports thinking or, if athletes or coaches, that they are failures). (Attachment 1, Page 10)

12. Barstool works to expand its audience through promoting conflict, particularly among its participants. This conflict begins with the ever-present insults. The site escalates insults into physical conflict in its “Rough and Ready” series of pseudo-boxing matches. (Attachment 1, Page 11)

13. Barstool’s target audience is the very middle-aged white men they (to a great degree) satirize in their “Barstool Rundown”: men who spend much of their time sitting in Lazy Boy lounge chairs, watching sports on television and arguing about those sports.

14. Beyond the mocking portrayal of their fans, Barstool uses the term “Stoolies” to identify persistent users of the sites content. Stoolies refers, of course, to the running theme of sitting on barstools. (Attachment 1, Page 10)

15. “Stoolies” also carries the pejorative meaning of “stool pigeons” (someone who rats out their friends). Stool pigeons, often called “Stoolies” in popular culture, are typically represented as the lowest form of life in the criminal world. (Attachment 1, Page 12)

16. In a world in which success is defined by producing content that gets a reaction from the producers and their audience, fans who consume content but have nothing “cool” or interesting to offer in their own content are “clones” or true “Stoolies,” valued solely for their ability to echo the sentiment of the content producers at Barstool. (Attachment 1, Page 12)

17. The negative connotation of “Stoolies” also informs fans of the expectations of their role. Fans who fulfill their function become “stool pigeons” who tell their friends about the transgressive communication on the Barstool site and gain the site more users. Users are being trained (by being insulted) into expanding audience through insults. It is important to note that the users are expected to understand that they are being insulted and, in understanding that, they “get” the point of the site. They are insiders because they know they are being insulted in the very terms used to describe them. Only those higher on the medium’s evolutionary scale (content producers) are allowed to insult fans. Outsiders cannot. But those who actually produce content for the company are insiders with higher social status and so would be assumed to be free (at times be motivated) to insult Stoolies just as they might insult fellow content producers for poor predictions or weak content. (Attachment 1, Page 13)

18. Insults to fans are a fundamental aspect of the marketing and communication of this sort of media product. (Attachment 1, Page 13)

Defendants’ Attacks Were Structured to Maximize Their Harm to Mr. Rapaport’s Reputation and Brand

19. On the face of it, it would seem absurd to fire a brand's most well-known personality for tweeting to a single Stoolie that, if he called himself "a stoolie for real," he had "already lost in life." (Attachment 1, Page 16)
20. I note that this tweet was directed at a single "Stoolie." As such, it did not directly address the broader Barstool audience and was likely only seen as referring to that larger audience as Portnoy and other employees of Barstool reframed it as an attack on the entire Barstool community. (Attachment 1, Page 16)
21. Pushing Rapaport's single comment on a Stoolie being a loser, and pushing it hard across the various Barstool media and by nearly every blogger in the company, was a means to create an echo chamber backlash among Stoolies in which Barstool fans were invited to produce volumes of vicious content, attacks on Rapaport's talents, attacks on Rapaport's ethics, and personal attacks on Rapaport. This Barstool created one-sided faux controversy could also be expected to bring eyes to the Barstool site and build their audience. (Attachment 1, Page 17)
22. As a "controversial" brand, the "war" on Rapaport would both generate news and eyeballs for Barstool and do so within the brand's identity. The constructed nature of the controversy is demonstrated, in part, by the viral reframing and publicizing of the original Rapaport tweet. As noted, the original tweet had a very limited audience (i.e., it would only have been seen by Rapaport, the person to whom the tweet was addressed and potentially their followers) and only became viral as it was reframed and repeated by Portnoy and a host of the Barstool bloggers. This fits within the Barstool practice of creating controversy to promote its brand. (Attachment 1, Page 18)
23. Firing Rapaport immediately turned him into an outsider. Portnoy, Adam Smith and Kevin Clancy misrepresented Rapaport's tweet to create him as an enemy for the entire Barstool community. Rapaport's comment to a Stoolie that, if he took the name as defining, he was "lost in life" was rewritten as a declaration that all Stoolies were losers. This misrepresentation justified an immediate and violent attack on Rapaport by the entire "Barstool nation," an attack that was made explicit by Barstool content producers. (Attachment 1, Page 18)

24. Representing his tweet as a condemnation of all Stoolies made him an enemy and target. The mob effect of echo chamber response created the hoped for backlash in which Barstool fans were motivated by the site to engage in character assassination. (Attachment 1, Page 19)
25. The most reasonable goals for Barstool Sports in creating this media frenzy would seem 1.) to justify firing Rapaport, 2.) to damage Rapaport's brand and, by extension, enhance Barstool's brand, including gaining a larger audience and bringing "eyeballs" to their site, making Barstool "bigger" and "more important" than Rapaport (a brand name with a much higher celebrity status than any of Barstool's talent), and 3.) damage Rapaport's reputation by portraying him as a pariah, a failure, a person who has nothing of any value to say (the most destructive representation in a business whose entire structure is grounded on the quality of media posts a person produces). (Attachment 1, Pages 19-20)
26. While Barstool could have ended their attacks at this point, they extended their character assassination of Rapaport on three points. Each had been alluded to in previous Barstool posts by individual bloggers. At this point, these attacks were pressed across Barstool media, by a wide variety of posters and bloggers, including the production and sale of tee shirts. Beyond blog streams by Adam Smith and Kevin Clancy, Rapaport's firing was celebrated on videos, Barstool employees produced a cartoon portraying Rapaport as dying of a herpes related disease, and a music video that presented a rap attack on Rapaport with relentless and repetitive claims that he was explicitly a racist, and a woman beater, and a race-baiting, herpes infected pariah. (Attachment 1, Page 20)
27. The wave of attacks, the production of tee shirts and anything else that could be sold attacking Rapaport was, again, an open invitation for a fan mob to rise from the Stoolies and castigate Rapaport in volume, again and again, across online social media. (Attachment 1, Pages 20-21)
28. The call was effective. Barstool fans took this up in a campaign to damage Rapaport's iTunes rating. In a report prepared by Chartable, Chartable has 909 ratings on record attached to corresponding reviews for Rapaport's podcast prior to his termination. (Attachment 1, Page 21)

29. A pdf copy of this document that I was provided by Plaintiffs' counsel is attached to this Declaration as Attachment 3.
30. Of these ratings, 783 were 5's (86%), 12 were 4's (1%), 8 were 3's (1%), 9 were 2's (1%), and 97 were 1's (11%). From the date of Rapaport's termination (2019-02-08) until the end the February, Chartable has 3,756 ratings on record attached to corresponding reviews for Rapaport's podcast. Of these ratings, 152 were 5's (4%), 5 were 4's (<1%), 2 were 3's (<1%), 13 were 2's (<1%), **and 3,584 were 1's (95%)**. (Attachment 1, Page 21)
31. This influx in ratings and disproportionate swing ratings provided indicates a clear and successful attack carried out against Mr. Rapaport. This attack is further evidenced by analyzing the comments attached to each of these ratings. (Attachment 1, Page 21)
32. Prior to the date of Mr. Rapaport's termination, Mr. Rapaport had never received a negative review accusing him of being a fraud, a stalker, or beater of women. He had similarly only received a single rating accusing him of being a racist (2017-10-24) or of having herpes (2017-07-17). (Attachment 1, Page 21)
33. Notably, Rapaport was only accused in that one instance of being a racist after being called "low key racist" by a member of Barstool's platform, and after Barstool published a video on its website discussing Rapaport as a racist⁴⁰. These ratings and comments show that the audience accepted the statements about Rapaport as fundamentally true. The onslaught of vile statements made by those making comments and rating the podcast following the verbal assault by Barstool included, but were not limited to: "racist," "herpes," "race baiter," "sexual abuser," "women beater/abuser," "wife beater," "rapist," "fraud," "hates white people." "hates black people," "hates Latin Americans," "hates minorities," "woman assaulter," "wigger," "stalker," "Hitler," "STD," "hitter of women," "mud monkey," and much, much more. (Attachment 1, Pages 21-22)
34. Barstool took these malicious actions as part of its stated practice of bringing "justice" to those who are represented as standing against its platform. (Attachment 1, Pages 22)

How Defendants' Statements Were Interpreted

35. Sheer repetition online creates authority for that information for casual audiences. A casual audience, having no direct interest in or practice viewing Barstool Sports and seeing the constant repetition of charges of fraud, racism, low key racist, and race-baiting, domestic violence, and having herpes against a celebrity involved in sports would be expected to accept those charges as having some basis in fact. The manner in which Rapaport was repeatedly called a racist, or a low key racist, or a race baiter, would leave anyone hearing or seeing such comments with the clear impression that Barstool, his former employer, knew facts about him that others did not and that those facts led them to this conclusion. (Attachment 1, Page 24)
36. The same may be taken as true regarding the constant stream of language and images portraying Rapaport as engaging in domestic violence. On top of this stream, statements that Barstool would make Rapaport as black and blue as he made his ex, followed by a picture of the woman, would create visual support for the false claim. This would be expected to lead those hearing and seeing the image to conclude that Mr. Rapaport indeed beat this particular woman, or his “ex.” Further, as the charges disseminate to other sources and are repeated by sites other than Barstool, the charges take on a life of their own and gain the authority of the sites they inhabit. (Attachment 1, Page 24)
37. This viral release of claims, charges, and name-calling gives Barstool the power to publish the most outrageous statements about anyone, statements they claim are in jest, and know that those statements, by their sheer repetition on non-Barstool media will gain the sheen of “news” for casual audiences. (Attachment 1, Page 25)

A. Charges of Being a Fraud

38. Charges of being a “fraud” or a “hack” are relatively commonplace in insult-based sports media. However, the fraud charges against Mr. Rapaport grew within a context that gave them unique meaning. The charges first gained traction in a dispute with Adam Smith in which Mr. Smith claimed that Mr. Rapaport had not paid off on a bet they may or may not have made (hence, Mr. Rapaport was a “fraud” who didn’t pay his debts). Mr. Smith persistently called

Mr. Rapaport a “fraudulent sack of shit” leading into the firing controversy late in February of 2018. (Attachment 1, Page 25)

39. This repetitious use of the word “fraud” distanced it from its immediate context and left it open to any interpretation Barstool bloggers might want to put onto it. The charge gained momentum during the weekend of Mr. Rapaport’s firing from Barstool. Though he did not use the actual word, Kevin Clancy, spent the bulk of his morning after article “Last Night was a Pivotal Moment in Barstool History” berating Rapaport as an outsider who exploited Barstool Sports by fraudulently and hypocritically taking up the role of employee. Curiously, Clancy’s article moved on to tie Mr. Rapaport’s hypocrisy to his “race-baiting” stance on public issues. (Attachment 1, Page 25)

40. In his “Last Night was a Pivotal Moment in Barstool History,” Clancy claimed that, even though “technically he was a Barstool Sports employee,” Rapaport was an “outsider,” “he sure as fuck was never (emphasis his) one of us.”

41. The copy of this article that I was provided by Plaintiffs’ counsel is attached to this Declaration as Attachment 2.

42. As an outsider, Rapaport had no legitimate voice in the Barstool universe and it was now the duty of all of Barstool to “steamroll” their common enemy. This was not simply comic hyperbole. In calling Barstool fans to go after Rapaport, Clancy wrote, “we take this shit seriously.”

43. Decrying Rapaport as faking his respect for African-Americans by allowing his brain “wracked with white guilt to run his mouth,” Mr. Clancy portrayed Rapaport as hypocritical and fake in all the bullshit” he produced. For weeks, Smith continued publishing articles identifying Rapaport as a fraud and the term became, as far as I can find, the most common term used by Barstool employees regarding Mr. Rapaport outside of them calling him a “fuck.” Given that the term “fraud” needs a context in order to gain meaning, the use of the term by Barstool employees is informative. Contextually, they represent Mr. Rapaport as a fraud because he

“was never one of us.” Worse than an enemy, he was an enemy who insinuated himself within the Barstool community. (Attachment 1, Page 26)

44. Once the word “fraud” became a commonplace, it could then pick up any meaning a context allowed. The constant repetition of the charge of being a fraud, allowed Barstool employees to use it as an intensifier for other charges. Barstool employees did not have to claim that Mr. Rapaport engaged in legal fraud. Like a shotgun, the persistent use of the term allowed them to scatter and intensify their other defamatory shots at him. (Attachment 1, Page 26)
45. Further, unlike other charges, being labeled a fraud directly affects a person’s ability to defend themselves against harmful accusations. A person’s reputation is built up over years and not easily restored once damaged. Once a person’s reputation is lost or brought into question, the person has limited means to defend himself against attacks against his person. When a third party assesses the validity of an accusation levied against his person, the third party’s assessment is generally limited to weighing whether the accuser or the accused is a more credible source. (Attachment 1, Page 26)
46. By assaulting Mr. Rapaport’s trustworthiness prior to making further allegations against him, Barstool was able to preemptively weaken his ability to defend himself and add an inherent implication of truth to its accusations against him. Hence, the repeated charge of being a “fraud”, particularly when taken up by Stoolies and other non-Barstool employees, both intensified other charges tied to it and created a hostile online environment damaging to Mr. Rapaport’s reputation and to his brand image. (Attachment 1, Page 26-27)
47. The bottom line is that the “fraud” statements were made to convey that Barstool and its employees knew things about Mr. Rapaport that the public did not with respect to his supposed racism and other statements being made about him. (Attachment 1, Page 27)
48. In addition to Barstool’s specific allegations against Rapaport, Barstool made further, less concrete allegations against Rapaport. These allegations include that Rapaport was a “lunatic,” “crazy,” and “insane.” Such allegations, while less clear, particularly regarding the facts upon which they presumably rely, further the implication that Rapaport is untrustworthy and that

Barstool's audience sees him as untrustworthy from previous experience with him. It is my opinion that such attacks demonstrate Barstool's intent to weaken Mr. Rapaport's credibility so as to increase the "sticking power" of Barstool's other allegations against him. (Attachment 1, Page 27)

Charges of Racism and Race Baiting

49. The sheer volume of repetitions of the charge online without the context of the feud would have given the charge authority to its broader audience. In social media, the volume of likes (expressions of positive sentiment) and repetitions of a comment authorize that comment as more likely being true. Certainly, the volume of repeated charges of racism and domestic violence in the malicious iTunes ratings would have given those charges powerful verisimilitude. (Attachment 1, Page 30)

50. These claims that Mr. Rapaport is a racist closely follow the charges of race-baiting against his own race and numerous charges (in words and images) of Rapaport demonstrating racism against African-Americans. The clear implication of this is that Michael Rapaport is a hypocritical racist who made public statements defending African-Americans in order to hide his own personal animosity to them. This entire body of charges was made against Mr. Rapaport despite the fact that Mr. Portnoy himself admitted he had no basis to believe that Mr. Rapaport is a racist, and further that he knows Mr. Rapaport is married to an African-American woman. (Attachment 1, Page 30)

51. The charges of racism were designed to have a particularly pernicious effect on Rapaport's brand image and career. As a successful producer of an ESPN sports documentary, a personality on Fox Sports and across other larger venues, Rapaport's audience could reasonably be expected to be more socially, culturally and racially diverse than the audience for Barstool Sports. As noted, Barstool's male content producers being solely white, their content and expressed interests reflecting the perspective of these content producers, creates a message that is homogeneously white. Barstool Sports promotes itself to an almost exclusively white audience. Rapaport's content, his documentary production and his commentary on other

sports media have all embraced a far more diverse audience. His expressed brand (to the chagrin of Barstool bloggers) promotes African-American athletes and values. (Attachment 1, Page 31)

52. Diversity has been a hallmark of Rapaport's brand in both his content production and the guests he has invited on his various programs. Rapaport's I AM RAPAPORT podcast has been a forum for countless African-American guests. (Attachment 1, Page 31)

53. We can safely say that Rapaport has built his brand on an embrace of inclusivity, particularly involving African-American athletes, celebrities, stories and audiences. Barstool's mass of innuendo and outright charges attack Rapaport at the core of the brand he has worked for decades to build. These charges, when taken up by the bulk of Barstool bloggers, particularly Adam Smith and Kevin Clancy, and, through their instigation, taken up by a mass of "Stoolies", gained a sheen of authority and authenticity, the "universal" voices of those who had "worked" with Mr. Rapaport and, presumably, knew him. (Attachment 1, Page 32)

Charges of Abuse

54. The charges of domestic abuse were another means to damage Rapaport's credibility and brand. Of course, these assertions are highly charged in the current social and political environment. Beyond that, they feed into the growing bias being built in Barstool's content condemning Rapaport as being hypocritical. Having already portrayed Rapaport as a leftist low key racist, and race-baiter, and a flat out racist, the abuse claims asserted that he was false to the "me too" principles the Barstool audience would be likely to identify with liberal politics. Rapaport was a hypocritical phony---the very opposite of the "real" Barstool community spat "truth and justice, baby". (Attachment 1, Page 32)

55. There is no reasonable way anyone who was not fully familiar with the case would view the statement regarding Rapaport turning a woman "black and blue", followed by the image of a specific woman, as anything other than a statement that Mr. Rapaport has engaged in violent physical abuse of a woman. (Attachment 1, Page 32-33)

Charges of Having Herpes

56. Though the charge was baseless, its constant repetition by Barstool employees and fans would, within the context of social media response, gain it a level of credibility both inside and outside of the Barstool world. (Attachment 1, Page 33)
57. This concerted effort between Barstool and its fans, spurred on by Barstool's calls for echo chamber reinforcement of its slurs against Rapaport created an immense wave of personal smears designed to damage Rapaport and his brand. (Attachment 1, Page 34)
58. The massive repetition of these charges by Stoolies and Barstool employees, the doctored images and tee shirts with prominent "herpes" imagery, and the long running repetition of these charges, going on far beyond the end of Rapaport's relationship with Barstool, could be expected, with the broader internet audience, to have seemed likely to be true. Moreover, Barstool employees claimed to be speaking the "truth." (Attachment 1, Page 34)
59. During an "Ask Me Anything" episode posted on the Barstool site, in discussing Rapaport's defamation suit against Barstool, co-defendant Adam Smith responded to an anonymous user's comment, "I hear nothing but truth," by saying, "That's all we spit. Truth and justice, baby. Truth and Justice."⁵⁹ This reflects Portnoy's broader claim under oath that Barstool's content is "authentic," "true, real." It also reflects the fundamental difficulty with Barstool's content. Even if we assume that claims that Rapaport was racist, racebaiting, herpes infested and so on were wholly baseless, as Barstool content the defendants themselves have asserted that the claims should be taken as "true," as "real" as speaking "truth." (Attachment 1, Page 34)
60. As with charges of racism, the sheer volume of repetitions of the charge online without the context of the feud would have given the charge authority to its broader, non-Barstool, audience. In social media, the volume of likes (expressions of positive sentiment) and repetitions of a comment authorize that comment as more likely being true. (Attachment 1, Page 35)

Barstool's Attacks

61. Barstool engaged in a concerted effort through blogs, music videos, online talk shows, images, tee shirt production and all the other communication tools at their disposal to portray

Michael Rapaport as a racially motivated deviant accused of domestic violence. They not only produced an immense volume of malicious material regarding Rapaport, their charge to the “Barstool Nation,” the hundreds of thousands of Stoolies who follow and repeat their content to destroy and “kill” Rapaport invited an online assault that was clearly meant to destroy Rapaport’s reputation, celebrity status, and career. At least two productions by Barstool employees (the “Fire Rap” music video⁸⁴ and the computer animated video attacking Rapaport⁸⁵) both portray Rapaport as dying and show a tombstone with his name and year of death on it. (Attachment 1, Page 39)

62. The message is clear, Barstool and its followers set out to kill Michael Rapaport as a celebrity and public figure and believe they have succeeded. Both videos repeat charges of Rapaport as a sexual deviant with a sexually transmitted disease dozens of times. “Fire Rap” makes direct and indirect charges of racism and race-baiting more than ten times in its six minutes. The repetition of name-calling with the stated intent of destroying (killing symbolically or literally) of the subject of that name-calling cannot reasonably be constructed as engaging in humorous banter, entertainment, debate, or simple verbal conflict. The stated intent is not to resolve disagreement or even to win an argument or a fight. The stated intent is not to entertain. The stated intent is to destroy. (Attachment 1, Page 40)

63. Given 1.) the many times stated intent to “kill” Rapaport, to see his “death,” 2.) the call put out to the “Barstool Nation” to “take down” this “enemy,” 3.) the malicious language, images, and music employed, it would seem, in my opinion, that the representatives of Barstool Sports understood that they were not engaging in simple banter but in character assassination and that they not only continued to engage in the behavior but sought to have their representations of Michael Rapaport spread online as “true” from their audience’s perspective and from the perspective of those who retweeted, clicked on, or otherwise positively responded the Barstool content. (Attachment 1, Page 40)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 1, 2020.

A handwritten signature in black ink, appearing to be 'DD', written over a horizontal line.

Daniel Durbin